

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHURCH EXCAVATING LLC )

\_\_\_\_\_ )

ALLEGED VIOLATION OF UNDERGROUND )  
FACILITY DAMAGE PREVENTION ACT )

CASE NO.  
2021-00470

OPENING ORDER

Church Excavating LLC (Church Excavating) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).<sup>1</sup>

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive,

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<sup>1</sup> KRS 367.4901 through KRS 367.4917.

or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Church Excavating for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Church Excavating violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Church Excavating shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto:PSCED@ky.gov) with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

4. The Staff Incident Report 43058 in the Appendix to this Order is made a part of the record in this case.

5. **Please note that notice of a hearing to be held in this matter will be mailed to Church Excavating once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.**

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

ENTERED  
FEB 23 2022 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00470

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00470 DATED FEB 23 2022

TWENTY-NINE PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43058 **Investigation** 7972  
**Incident Date** 9/30/2020 1:30:00 PM **Report Submitted** 10/12/2020

## Operator Information

**Operator** Columbia Gas of Kentucky, Inc. **Reported By** Ryan Twait  
**Phone** (859) 533-4022 **Email** rmtwait@nisource.com

**Incident Location** 529 Hunt St Ashland KY 41101 **Locate Ticket Number** N/A

**County** Boyd

## Excavator Information

**Excavator** Dave Church **Organization ID** 1110944  
 Church Excavating LLC  
**Phone** 606-547-7051 **Email**  
**Address** 526 Eves Ct Ashland KY 41101 **Locate Ticket Number** N/A

## Damage Report (DR) Summary

Excavation Within 18" (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to 811	No	Yes	Mechanized/Not specified	\$300.00	\$300.00

The Operator reports that the Excavator damaged a one-inch gas service with mechanized equipment and failed to contact the KY Contact Center (811).

**The DR is included as Attachment 1.**

## INVESTIGATION

On 09/08, 13 & 14/21 attempts to contact the Excavator at 606-547-7051 resulted in a message stating you have reached Dave Church of Church Excavating wherein messages were left.

On 09/14/21 a Letter to Contact was sent to the Excavator.

**The Letter of Contact is include as Attachment 2.**

On 09/17/21, via email, the Operator, Columbia's James Rice, stated that the Excavator has not paid for the damage and Mr. Rice provided the following documents:

- Field Damage Report: Indicating no call was made to 811.
- Distribution Plant Inspection & Leak Report: Indicating no call was made to 811.
- Photographs: Depicting the damage, excavator and truck with Church Excavating logo on the door.
- Invoice & Letter: Billing the Excavator \$1,583.57 for the damage.

**Columbia's documents are included as Attachment 3.**

On 09/20/21, via email, 811, Carly Dunsmore, searched from 06/01/20 through 11/30/20 and found no Locate Tickets (LT) for the incident location address.

**Ms. Dunsmore's email is included as Attachment 4.**

On 10/21/21 the 09/14/21 Letter to Contact was returned unclaimed.

**The unclaimed letter is included as Attachment 5.**

## PIPELINE DAMAGE INVESTIGATION REPORT

Due to the failed attempts to contact a representative of Church Excavating LLC a Demand Letter offering the required attendance to the Damage Prevention Course to receive the reduced penalty of \$250.00 will be sent.

### VIOLATIONS

**KRS 367.4911 (1)(a)** Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

**# of Offences**  
(Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +365 Days)
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

## Columbia Gas of Kentucky, Inc.

Submitted 10/12/2020 Incident ID: 43058

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43058\)](#)

### Reported By:

**Name:** Ryan Twait  
**Phone:** (859) 533-4022  
**Email:** rmtwait@nisource.com

### Gas Line Incident Occured:

**Date:** 9/30/2020  
**Time:** 1:30 PM

### Details:

**Reported Date:** 10/6/2020 9:39 AM

### Incident Location Address:

**Location:**

**Address:** 529 Hunt St  
**City:** Ashland  
**State:** KY  
**County:** Boyd  
**Zip:** 41101  
**Confirm Code:** Y

**Number of Customers out:** 1

**Was gas or hazardous liquids contained in the underground facility?**

**Was gas or hazardous liquids released into the atmosphere?**  \*

3/2020

**Locate Request Ticket No.:** N/A

**Excavator:** Contractor

### Excavator Address:

**First Name:** Dave  
**Last Name:** Church  
**Organization ID:**  
**Company:** Church Excavation  
**Phone:** 606-547-7051  
**Email:**

**Address:** 526 Eves Ct  
**City:** Ashland  
**State:** KY  
**Zip:** 41101  
**Confirm Code:** Y  
**Excavation Damage:** No notification made to the One Call Center

**Description of Incident** Church Excavation struck a plastic one inch natural gas service line with mechanized equipment.

Summary Information

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10/12/2020

**Full details such as the cause** Church Excavation was excavating an area without a locate ticket. While excavating with mechanized equipment, Church Excavation struck and damaged a plastic one inch natural gas service line.  
**Extent of the damage** A plastic one inch natural gas service line was severed, and the service line was repaired.  
**Cost of the damage** \$300.00  
**Steps taken to prevent re-occurrence** CKY employees advised Church Excavation to always call 811 prior to any excavating activities.  
**Amount billed to excavator** \$300.00

# Attachment 2



Andy Beshear  
Governor

Rebecca W. Goodman  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

Kent A. Chandler  
Chairman

Amy D. Cabbage  
Vice Chairman

Marianne Butler  
Commissioner

September 14, 2021

Dave Church  
Church Excavating LLC  
526 Eves Ct.  
Ashland KY 41101

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: **43058**

Dear Mr. Church:

The Kentucky Public Service Commission (Commission) received a report of damage occurring on September 30, 2020 to a natural gas or hazardous liquid facility located at 529 Hunt St., Ashland, KY owned and/or operated by Columbia Gas of Kentucky. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) attempted to contact you on September 08, 13 & 14, 2021 at 606-547-7051 without success. To obtain all information regarding this matter it is imperative that contact is made. If there is no contact a penalty of \$1,250.00 could be imposed, therefore please contact me at 502-782-2622.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric V. Tout", written over a white rectangular background.

Eric V. Tout  
Consumer Complaint Investigator  
Division of Inspections / Damage Prevention

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

7020 3160 0001 8129 6020  
0201 6219 1000 037E 0202

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.00
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ .53
<b>Total Postage and Fees</b>	<b>\$ 7.33</b>



Dave Church  
Church Excavating LLC  
526 Eves Ct.  
Ashland KY 41101

Inc 43058  
10-9047 See Reverse for Instructions

# Attachment 3

## Tout, Eric V (PSC)

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**From:** JamesRice@nisource.com  
**Sent:** Friday, September 17, 2021 12:59 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 43058, 9/30/2020, 529 Hunt St, Ashland, Church Excavating  
**Attachments:** KY20-1146 Damage Letter.pdf; KY20-1146 Damage Invoice.pdf; 529 hunt st - ashland - damage packet.pdf; IMG\_1789.jpg; IMG\_1793.jpg; IMG\_1795.jpg; IMG\_1796.jpg; IMG\_1802.jpg

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**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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Good afternoon Eric,

We have not received payment for this damage to date. See attached invoice, damage report and pics as requested.

Thanks,

James Rice  
Compliance Specialist  
Columbia Gas of Kentucky  
Cell: 859-537-2123  
Office: 859-288-6328  
Email: JamesRice@NiSource.com

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**From:** "Tout, Eric V (PSC)" <ericv.tout@ky.gov>  
**To:** "JamesRice@nisource.com" <JamesRice@nisource.com>  
**Date:** 09/14/2021 11:05 AM  
**Subject:** 43058, 9/30/2020, 529 Hunt St, Ashland, Church Excavating

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USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to [security@nisource.com](mailto:security@nisource.com) for review.

Hello James,

Please send report, photos, invoice and payment info (copy of check) if paid. The excavator does not seem to want to call me back, may go the hearing.

*Thanks,*

*Eric V. Tout*

*Kentucky Public Services Commission*

*Division of Inspections / Damage Prevention*

*211 Sower Blvd., Frankfort, KY 40601*

*Office: 502-782-2622*

*Fax: 502-564-1582*

**1) Field-Damage Information**Date of Damage 09-30-2020Address 529 Hunt StJob # 20 849 140100DPI # D188357

(Copy of both sides, provide meal/rental receipts, or other items that cannot be documented in WMS)

Pre-excavation One Call Ticket# \_\_\_\_\_

Contract Locate Ticket# \_\_\_\_\_

Columbia Pictures  YES or NO (circle) - V-drive or enclosed (circle)All Materials entered in MDT  YES or NO (circle)Mapping/Records Correction Needed: YES or  NO Form GS 2610.040-1Completed by McGill Date 09-30-2020**2) Required Packet Information**

DPI (front and back)

Damage to Company Facilities Report Form GS 1100.030-2

Copy of Work Request

Digital Pictures (with appropriate date)

Copy of new tap card/survey card for mapping/records update  
(If necessary, update CSL records via MDT)

Police Report (if auto accident)

Non-crew labor hours (FOL, OCM, Comm) (Form GS 1100.030-2)

WMS Report- # straight hours, # OT hours per employee

Virginia Only Form DPA-1 (circle) YES or NO

**3) 10 Day Exception: YES or NO (CIRCLE)**Type of Exception: CAP JO, GAS LOSS, TEMP REPAIRS or OTHER  
(CIRCLE ONE)

If yes, list exception comments below. Please include who is handling the exception. IE...Engineering, local area, etc...

Comments: \_\_\_\_\_

Received Date: \_\_\_\_\_

Assigned to: \_\_\_\_\_

**4) FOL - Damage Approval**Received Date: 10-2-20Map Correction Required: Form GS 2610.040-1 YES or  NO (circle)  
(FOL and CREW are accountable for map corrections/CSL updates)Bill for Damages:  YES or NO (On packet, NOT in WMS)Include specific comments relative to damage: CONTRACTOR  
FAILED TO CONTACT BILL. DAMAGED 1" PLASTIC  
SERVICEApproved by: Scott W. BunnDate Forwarded: 10-2-20**5) Damage Prevention & Recovery - Damage Billing**

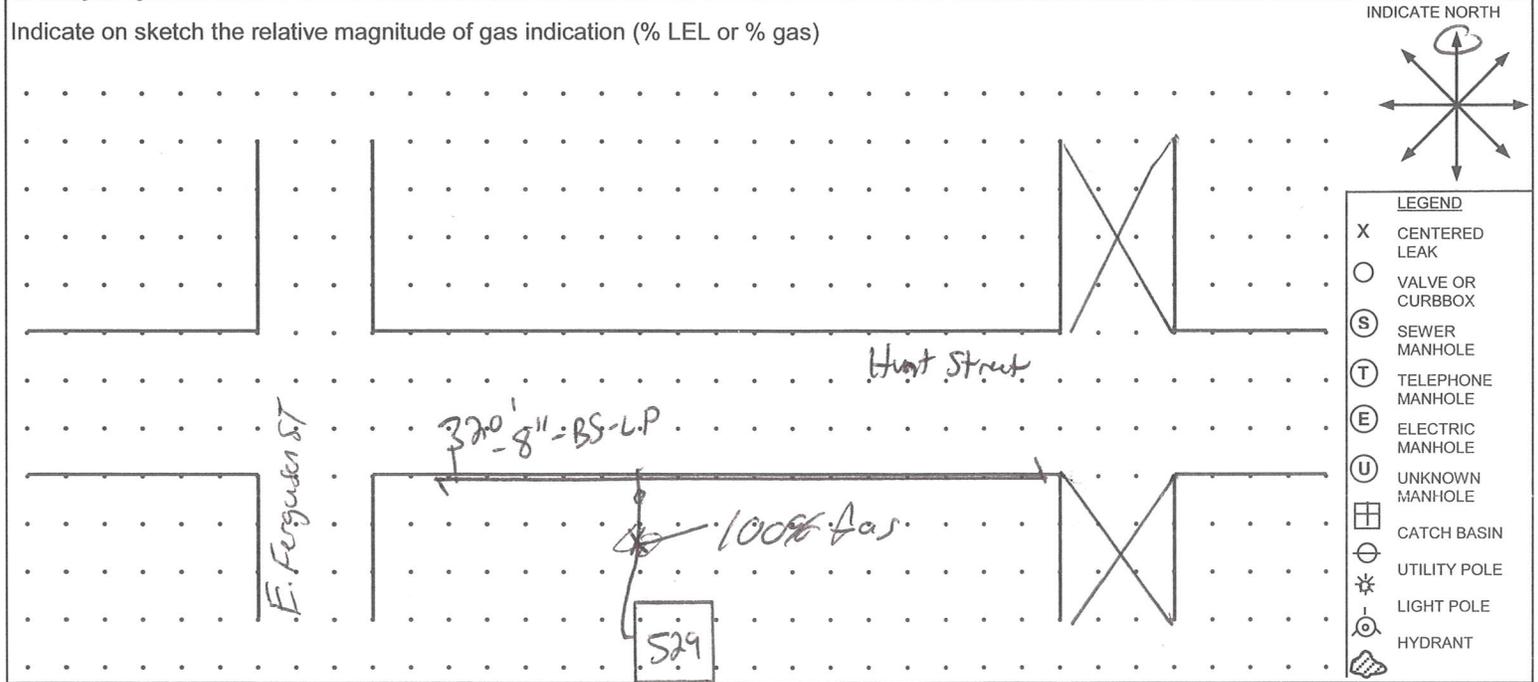
Received Date: \_\_\_\_\_

Letter Sent to Damager with Inserts: \_\_\_\_\_

**DISTRIBUTION PLANT INSPECTION AND LEAKAGE REPAIR**

INSPECTED BY A. McComick REPORTED TO Nikki ITC AT 2:28 HOUR ON 09/30/2020

CO * <b>32</b>	LOC. NO. <b>263</b>	MAP NO. <b>173562566</b>	SYSTEM NO. <b>32051001</b>	DATE FOUND <b>09/30/20</b>	ORIG. CODE * <b>06</b>	REF. LEAK ORDER NO.	LEAK GRADE * <b>1</b>	LKGR CRIT * <b>AA</b>	LEAK ORDER NO. <b>D188357</b>
STREET NAME/RTE.-ADDRESS/LEAK LOCATION <b>529 Hunt Street</b>				MUNICIPALITY <b>Ashland</b>			COUNTY <b>Boyd</b>		R/R CODE *
BETWEEN <b>E. Ferguson St</b>		AND <b>Daniels St</b>		DETECTOR NUMBER <b>29091</b>		SERVICE OR WORK ORDER NUMBER <b>10024302414</b>		TIME FOUND <b>1548</b>	
GPS LONGITUDE (X) COORDINATE <b>-82.614475</b>			GPS LATITUDE (Y) COORDINATE <b>38.446401</b>			FOOTAGE INSP. <b>25</b>		PROBABLE MAIN KIND * <b>Steel</b>	PROBABLE MAIN SIZE <b>8"</b>



INDICATE NORTH

**LEGEND**

- X CENTERED LEAK
- VALVE OR CURBBOX
- (S) SEWER MANHOLE
- (T) TELEPHONE MANHOLE
- (E) ELECTRIC MANHOLE
- (U) UNKNOWN MANHOLE
- ⊕ CATCH BASIN
- ⊖ UTILITY POLE
- ☼ LIGHT POLE
- ⊙ HYDRANT

SURFACE TYPE CODE * <b>Soil</b>	TYPE OF AREA <input type="checkbox"/> BUSINESS DISTRICT OR ANNUAL SURVEY <input checked="" type="checkbox"/> OUTSIDE BUSINESS DISTRICT (3 YR OR 5 YR SURVEY)	PROBABLE LEAK SOURCE <input type="checkbox"/> TRANS LINE <input type="checkbox"/> SERV LINE M-PL <input type="checkbox"/> MAIN VLV <input type="checkbox"/> MTR SET <input type="checkbox"/> DISTR MAIN <input checked="" type="checkbox"/> SERV LINE PL-MTR <input type="checkbox"/> STN PIPING	JOB ORDER OR ACCOUNT NO.
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REMARKS **Found 1" cts SL damaged by Church Extant. No locate probe called in. Checked surrounding area and no migration was detected. Shut off CU. Stayed on site until plant arrived. ASU**

MADE SAFE Gr1 SL PL-Mtr (OH, KY)	THE CONDITION HAS BEEN MADE SAFE	PERSON TAKING ACTION <b>A. McComick</b>	MADE SAFE TIME <b>13:59</b>	MADE SAFE DATE <b>09/30/2020</b>	MADE SAFE ACTION <input checked="" type="checkbox"/> TURNED OFF AT SERVICE LINE VALVE <input type="checkbox"/> TURNED OFF AT METER VALVE
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EXPOSURE DATA	SERVICE LINE	MATERIAL CODE	PIPE CONDITION CODE	CORROSION CODE	PITS CODE	INTERNAL CORROSION FOUND?	COATING CODES		EXPOSED PIPE (FT.)	DEPTH OF COVER (IN.)	SOIL TYPE REMOVED CODE	YEAR INSTALLED	NO. OF EXISTING CLAMPS	PIPE SIZE	PL COLOR *	CORROSION CONTROL CODE *
							CONDITION*	TYPE*								
		<b>P</b>	<b>G</b>	<b>N</b>		<b>N</b>	<b>N</b>	<b>NU</b>	<b>5</b>	<b>12</b>	<b>2</b>			<b>1"</b>	<b>09</b>	
	MAIN															

LEAK CLEARANCE DATA	CLR BY CODE * <b>25</b>	LEAK LOCATION AND DETAIL CODES * <b>51 04</b>	LEAK CAUSE CODE * <b>CA</b>	NO. CLAMPS INST	NO. ANODES INST	OP PRESS CD * <b>LP</b>	PIPE ABOVE GRD? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	CLEARED DATE <b>09/30/2020</b>
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REMARKS: (include mention of the other underground structures and leakage encounters)  
**Contractor hit SL with no locates. Cut out damage and replaced with new PL and 2-1" EF Couplings tested 90 PSIG 0005 min damage to meter. Tested OP back to CU soap tested final leak. OP 10" WC**

REPAIRED BY <b>[Signature]</b>	DATE <b>09-30-2020</b>	REINSPECTED BY	DATE	OTHER REFERENCE NUMBER (DAMAGE REPORT, FACILITY FAILURE REPORT, J.O., OTHER) PIPE TO SOIL POTENTIAL VOLTS
CLEARED BY <b>[Signature]</b>	DATE <b>09-30-2020</b>	REINSPECTED BY	DATE	
FOLLOWUP INSPECTION BY	DATE	REINSPECTED BY	DATE	
FOLLOWUP INSPECTION RESULTS <input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE	NEW LEAK ORDER NUMBER (FOLLOWUP INSPECTION OR RECLASSIFICATION)			

\* REFER TO DISTRIBUTION PLANT INSPECTION AND LEAKAGE REPAIR CODES FOUND ON REVERSE SIDE OR IN THE DPI FIELD REFERENCE GUIDE.

WHO FILLS OUT WHAT? LAN - SERVICE - FOI - PLANT OR SERVICE DAMAGE TO COMPANY FACILITIES REPORT

WMS JOB: 249-4114 DATE: 9/30/2020 LOCATION#: 2631

DAMAGE LOCATION: S 29 Hunt Street

CITY: Ashland STATE: Ky ZIP CODE: 41101 MAP#: 7356256P

\*\*\*\*\*RELATED JOBS\*\*\*\*\*

JOB ORDER NUMBER	JOB TYPE	JOB ORDER NUMBER	JOB TYPE	JOB ORDER NUMBER	JOB TYPE
<u>10024302414</u>	<u>PR</u>				

REGULAR HOURS: (1X) HRS  OVERTIME HOURS: (1.5X) HRS  OVERTIME HOURS: (2X) HRS

\*\*\*\*\*GENERAL INFORMATION\*\*\*\*\*

\*TYPE OF FACILITY:  
 1 - PLANT REGULATOR  
 2 - MAIN  
 3 - SERVICE LINE  
 4 - CUST. METER AND/OR REGULATOR  
 5 - BUILDING  
 6 - OTHER (COMMENTS REQUIRED)  
 .  
 .

\*MATERIAL:  
 CI - CAST IRON  
 CU - COPPER  
 OT - OTHER  
 P - PLASTIC  
 PI - PLASTIC INSERT  
 S - STEEL  
 ST - STEEL TREATED  
 WI - WROUGHT IRON

LINE SIZE: 11  
 DEPTH OF COVER: 12  
 YEAR INSTALLED: 1991  
 GAS LOST:  YES  NO

\*\*\*\*\*DAMAGE DETAILS\*\*\*\*\*

DPI NUMBER: D188357 DAMAGE DATE: 9/30/2020 DAMAGE TIME: 1 HR 15 MIN  
 REPORTED BY: Dale / Bud 0911 REPORTED DATE: 9/30/2020 REPORTED TIME: 1 HR 29 MIN  
 REPORTED TO: Integration Center TIME OF ARRIVAL: 1 HR 48 MIN TIME MADE SAFE: 1 HR 59 MIN  
 # OF CUST INTERRUPTED: \_\_\_\_\_ PERIOD OUT OF SERVICE: \_\_\_\_\_

\*TYPE OF ACTIVITY:  
 11 - CONSTRUCTION/MAINT-ROAD  
 12 - CONSTRUCTION/MAINT-SEWER  
 13 - CONSTRUCTION/MAINT-UTILITY  
 14 - CONSTRUCTION/MAINT-PRIVATE PROPERTY  
 15 - CONSTRUCTION/MAINT - DEMOLITION  
 18 - NATURAL FORCES-EARTH MOVE  
 19 - NATURAL FORCES-FROST  
 20 - NATURAL FORCES - LIGHTNING  
 21 - NATURAL FORCES - RAIN/WIND/SNOW/ICE  
 23 - OUTSIDE FORCE - VEHICLE ACCIDENT  
 24 - OUTSIDE FORCE-INTENTIONAL/VANDAL  
 25 - OUTSIDE FORCE-ELECTRICAL ARCING  
 26 - OUTSIDE FORCE  
 27 - OUTSIDE FORCE-FIRE/EXPLOSION  
 28 - OUTSIDE FORCE-PREVIOUS DAMAGE  
 29 - OUTSIDE FORCE - SEWER CLEAN OUT  
 31 - UNKNOWN/OTHER (COMMENTS REQUIRED ON REVERSE)

\*CAUSE OF DAMAGE  
 A - EXCAVATION - FAILED TO NOTIFY 811  
 B - EXCAVATION-LOCATING ERROR  
 C - EXCAVATION - EXCAVATOR ERROR  
 D - EXCAVATION - POOR RECORDS  
 E - NATURAL FORCES  
 F - OTHER OUTSIDE FORCE

\*\*\*\*\*LINE MARKINGS\*\*\*\*\*

\*LOCATE REQUESTED  
 1 - YES, VIA ONE-CALL  
 2 - YES, OTHER METHOD  
 3 - NO, OR N/A

FACILITY LOCATED:  YES  NO  
 \*HOW FACILITY MARKED:  
 1 - EXPOSED  
 2 - PERMANENT MARKERS  
 3 - TEMP. STAKES OR PAINT  
 4 - ORAL  
 5 - OTHER  
 6 - N/A

ONE CALL TICKET NUMBER: \_\_\_\_\_  
 MARKS/MARKERS IN TOLERANCE ZONE:  YES  NO  
 FT. NO, MARKS HOW FAR OFF: \_\_\_\_\_ FT. \_\_\_\_\_ IN.  
 DIST TO NEAREST MARK: \_\_\_\_\_ FT. \_\_\_\_\_ IN.  
 CONTRACT LOCATOR NOTIFIED OF DAMAGE  YES  NO

\*\*\*\*\*REPAIRS\*\*\*\*\*

REPAIR TYPE:  1 - PERMANENT  2 - TEMPORARY  
 TEST FOR SECONDARY DAMAGE:  YES  NO  
 PICTURES STORED NETWORK DRIVE:  YES  NO  
 SKETCH ATTACHED:  YES  NO  
 PICTURES TAKEN:  YES  NO  
 PICTURES TAKEN BY: M. Collett  
 RECORDS SUBMITTED:  YES  NO  N/.

\*\*\*\*\*DAMAGING PARTY\*\*\*\*\*

\*RESPONSIBILITY  
 11 - COMPANY CREW (1ST PARTY)  
 12 - COMPANY CONTRACTOR (2ND PARTY)  
 13 - MUNICIPAL/ STATE CREW  
 14 - MUNICIPAL/ STATE CONTRACTOR  
 15 - OTHER UTILITY CREW  
 16 - OTHER UTILIT CONTRACTOR  
 17 - PRIVATE INDIVIDUAL  
 18 - PRIVATE CONTRACTOR  
 23 - NATURAL FORCES  
 25 - UNKNOWN

COMPANY NAME: Church Excavation  
 INDIVIDUAL NAME: Dave Church WEH. LIC. PLATE NO. 745937R STATE: VA  
 LOCATED AT: S 26 Faw Ct  
 CITY: Ashland STATE: Ky ZIP CODE: 41101  
 OFFICE/HOME PHONE: (606) 547-7051 CELL PHONE: ( )  
 E-MAIL ADDRESS: \_\_\_\_\_  
 INSURANCE NAME: \_\_\_\_\_  
 INSURANCE ADDRESS: \_\_\_\_\_

GAS LOST

DAMAGE HOLE SIZE: 0000.50 UNITS:  DIAMETER (IN.)  AREA (SQ. IN.) HOW LONG DID GAS BLOW? HR 54 MIN

LINE SIZE: 1" MATERIAL: STABLE SUPPLY PRESSURE: MAOP:

- CI - CAST IRON
 CU - COPPER
 OT - OTHER
 P - PLASTIC
 PI - PLASTIC INSERT
 S - STEEL
 ST - STEEL TREATED

BLOWING OPEN:  YES  NO WAS GAS RESTRICTED:  YES  NO

IF YES, HOW:

HOW LONG RESTRICTED: HR MIN EXCESS FLOW VALVE:  YES  NO

IF MAIN, DISTANCE TO INTERSECTION OR MAPPABLE FEATURE: FT. IF SERVICE, DISTANCE FROM DAMAGE TO MAIN: 25 FT.

COMMENTS

ADDITIONAL FACTS OF COMMENTS:

MATERIALS USED: Contractor hit SL with no locates @ repaired damage with 2-1" EF Coupling 43-04-2203

1st RESPONDER NAME: Andrew McLoonick (PRINT) (SIGNATURE)

2nd RESPONDER NAME: Matthew G. Holt III (PRINT) (SIGNATURE)

FIELD OPERATIONS LEADER (FOL) ON SITE:  YES  NO HRS/MINS ON SITE: HR MIN FOL FACTS OR COMMENTS:

FIELD OPERATIONS LEADER NAME: SIGNATURE:

FIELD ENGINEER ON SITE:  YES  NO HRS/MINS ON SITE: HR MIN FIELD ENGINEER FACTS OR COMMENTS:

FIELD ENGINEER NAME: SIGNATURE:

COMPANY/CONTRACT LOCATOR ON SITE:  YES  NO COMPANY/CONTRACT LOCATOR COMMENTS:

NAME:

DAMAGING PARTY COMMENTS:

NAME: TITLE:

911 ON SITE  YES  NO









**CHURCH**  
**EXCAVATING**

— Ashland, KY —

**606-547-7051**

**USDOT 3479284**

# Columbia Gas/NiSource

## INVOICE

**CLAIM NO.:** KY20-1146

**JOB ORDER NO.:** 20-8491401-00

**DATE:** October 12, 2020

**MRA ACCOUNT NUMBER:** 20879746-000-001-6

PAYMENT DUE 28 DAYS FROM ABOVE DATE  
PLEASE MAKE REMITTANCE PAYABLE TO:

Church Excavation  
526 Eves Ct  
Ashland, Kentucky 41101

Columbia Gas / NiSource  
3101 N. Ridge Rd. E.  
Lorain, Ohio 44055  
ATTN: Damage Prevention Support

AMOUNT DUE

\$1,583.57

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 09/30/2020 in the vicinity of 529 Hunt St, Ashland, Kentucky 41101.

ITEMS	AMOUNT
Labor	\$827.27
Materials	\$4.49
Equipment	\$749.50
Gas Loss	\$2.04
Contracted Fees	\$0.00
Taxes	\$0.27
<b>TOTAL EXPENSE</b>	<b>\$1,583.57</b>

Notes:

If you have any questions regarding this bill, please contact Dawn Miller,  
Facility Damage Coordinator, at (440)240-6166.



Know what's below.  
Call before you dig.

# Columbia Gas/NiSource

## INVOICE

**CLAIM NO.:** KY20-1146

**JOB ORDER NO.:** 20-8491401-00

**DATE:** October 12, 2020



**Columbia Gas of Kentucky, Inc.  
Damage Prevention Support**

3101 N Ridge Road E  
Lorain, Ohio 44055

10/12/2020

(440)240-6166

Church Excavation  
526 Eves Ct  
Ashland, Kentucky 41101

Re: Our Claim: KY20-1146

Gentlemen,

Enclosed is our damage claim invoice in the amount of \$1,583.57, which is the expense our company incurred as the result of your contact with our facilities, located in the vicinity of 529 Hunt St, Ashland, Kentucky 41101. Our reports indicate that our facilities were damaged on 09/30/2020.

If you have insurance to cover this type of damage claim, please forward the enclosed damage claim invoice and envelope to your insurance carrier for payment. Then please advise our department of your insurance company's name and address so that we can follow the matter to a conclusion. In the event you are not insured, your check, draft or money order in the above amount is hereby requested. To insure proper credit to your account, please remit the top portion of the damage claim invoice, along with your payment, in the enclosed pre-addressed envelope.

If you wish to discuss this matter further, please contact the undersigned.

Sincerely,

Dawn Miller  
Facility Damage Coordinator

Enclosure

# Attachment 4

## Tout, Eric V (PSC)

---

**From:** Carly Dunsmore <cdunsmore@usa811.org>  
**Sent:** Monday, September 20, 2021 9:48 AM  
**To:** Tout, Eric V (PSC)  
**Cc:** PSCrequest@kentucky811.org  
**Subject:** Re: 43058

Good morning,

We searched between 6/1/2020 and 11/30/2020, but were unable to find any tickets submitted for address 529 Hunt St., in Boyd County. If you have any more information, please let us know and we would be happy to assist you further.

Thank you,

Carly Dunsmore  
Member Services  
P: 833-538-0923  
F: 317-386-7820



On Mon, Sep 20, 2021 at 9:06 AM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

Please provide locate ticket for:

Incident Date: 9/30/2020

Operator: Columbia

Incident Location: 529 Hunt St., Ashland

County: Boyd

Excavator: Church Excavating

*Thanks,*

*Eric V. Tout*

*Kentucky Public Services Commission*

*Division of Inspections / Damage Prevention*

*211 Sower Blvd., Frankfort, KY 40601*

*Office: 502-782-2622*

*Fax: 502-564-1582*

# Attachment 5



Andy Beshear  
Governor

Rebecca W. Goodman  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

Kent A. Chandler  
Chairman

Amy D. Cabbage  
Vice Chairman

Marianne Butler  
Commissioner

September 14, 2021

Dave Church  
Church Excavating LLC  
526 Eves Ct.  
Ashland KY 41101

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: **43058**

Dear Mr. Church:

The Kentucky Public Service Commission (Commission) received a report of damage occurring on September 30, 2020 to a natural gas or hazardous liquid facility located at 529 Hunt St., Ashland, KY owned and/or operated by Columbia Gas of Kentucky. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) attempted to contact you on September 08, 13 & 14, 2021 at 606-547-7051 without success. To obtain all information regarding this matter it is imperative that contact is made. If there is no contact a penalty of \$1,250.00 could be imposed, therefore please contact me at 502-782-2622.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric V. Tout".

Eric V. Tout  
Consumer Complaint Investigator  
Division of Inspections / Damage Prevention

**CERTIFIED MAIL®**

**Kentucky Public Service Commission**  
211 Sower Blvd.  
Frankfort, KY 40601



LEXINGTON KY 405

14 SEP 2021 PM 2 L

neopost  
09/14/2021

FIRST-CLASS MAIL

**US POSTAGE**

**\$07.33<sup>00</sup>**



ZIP 40601  
041L11246969

7020 3160 0001 8129 6020

Dave Church  
Church Excavating LLC  
526 Eves Ct.  
Ashland KY 41101

**UNCLAIMED**

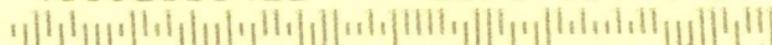
*WST*  
*9-16*

NIXIE 250 DE 1 0010/16/21

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

UNC  
40601>8294

BC: 40601829411 \*1970-02444-14-40



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. *Inc 43058*
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article

Dave Church  
 Church Excavating LLC  
 526 Eves Ct.  
 Ashland KY 41101



9590 9402 6901 1104 3991 13

2. Article Number (Transfer from service label)

7020 3160 0001 8129 6020

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Mail  
 Mail Restricted Delivery  
 00)

\*Church Excavating LLC  
526 Eves Court  
Ashland, KENTUCKY 41101